

Appl. No. 09/623,643
Amendment and/or Response
Reply to Office action of 12 November 2004

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REMARKS / DISCUSSION OF ISSUES

Claims 4 and 7-10 are pending in the application. Claim 10 is newly added.

The Office action objects to claim 4 for the use of both "data processing circuit" and "data-processing circuit". Claim 4 is appropriately amended herein. The applicants thank the Examiner for this attention to detail.

The Office action rejects claim 7 under 35 U.S.C. 112, second paragraph, for the use of the term "substantially". The applicants respectfully traverse this rejection.

The applicants respectfully maintain that the term "substantially" is consistently used in patent claims to provide the inventor protection from potential infringers who would attempt to avoid the inventor's interests by making insubstantial changes to the inventor's claimed invention.

The Office action asserts that because the term "substantially" is a relative term, a claim containing the word "substantially" is unpatentable absent a definition of "substantially" in the specification. The applicants respectfully disagree with this assertion. A search of the issued U.S. patents on the USPTO database reveals that at least 167,978 patents include the word "substantially" in the claims, without including the word "substantially" in the specification. If the current Office action's assertion were proper, each of the claims containing the word "substantially" in these 167,978 patents would be invalid.

Because the word "substantially" is well recognized in patent practice, the applicants respectfully request the Examiner's reconsideration of the rejection of claim 7 under 35 U.S.C. 112, second paragraph.

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The Office action rejects claims 4 and 7 under 35 U.S.C. 103(a) over Connell et al. (USP 5,998,978, hereinafter Connell) and Kim (USP 6,027,029). The applicants respectfully traverse this rejection.

Claim 4, upon which claim 7 depends, claims a mobile data carrier that includes asynchronously operating logic elements whose signal-processing rate is dependent on a power supply voltage applied to the data-processing circuit.

The Office action acknowledges that Connell does not teach asynchronously operating logic elements whose signal-processing rate is dependent on a power supply voltage applied to the data-processing circuit, and relies upon Kim for this teaching. The applicants respectfully disagree with this characterization of Kim.

The Office action cites Kim's column 1, lines 53-55, column 2, lines 51-63, and column 4, line 45 through column 5, line 22 for teaching logic elements whose signal-processing rate is dependent on a power supply voltage applied to the data-processing circuit. The applicants respectfully note, however, that nowhere in the cited text of Kim is it taught that the signal-processing rate is dependent upon a power supply voltage, as specifically claimed in the applicants' claim 4.

Because neither Connell nor Kim, individually or collectively, teach or suggest a data carrier that includes asynchronously operating logic elements whose signal-processing rate is dependent on a power supply voltage applied to the data-processing circuit, as specifically claimed by the applicants, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 4 and 7 under 35 U.S.C. 103(a) over Connell and Kim.

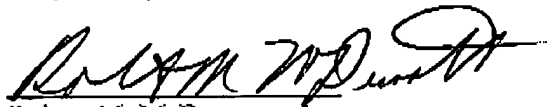
The Office action indicates that claims 8 and 9 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claim 8, upon which claim 9 depends, is correspondingly amended herein.

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In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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